THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT APPEAL NO.558 OF 2006

20th June 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24.04.2006 in W.P.M.P.No.10550 of 2006 in W.P.NO.8248 OF 2006 on the file of the High Court.)

Between:

1. The A.P.Power Generation Corporation Limited, rep.by its Chief Engineer (O & M), Ramagundam Thermal Station, Ramagundam, Karimnagar District.

And one other.

...APPELLANTS

AND

1. G.Manohar, S/o.Veeraiah, R/o.C-9 “A” Colony, Ramagundam, Karimnagar District.

And one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.558 OF 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

This appeal is at the instance of the Management as against the interlocutory order dated 24.04.2006 in W.P.M.P.No.10550 of 2006 in W.P.No.8248 of 2006 wherein the learned Single Judge observed to the effect that the absorption of the respondent/workman in terms of Award in I.D.No.28 of 2004 shall be subject to the result of Writ Petition.

The main ground urged on behalf of the appellant is having regard to the nature of relief as sought for in pursuance of the application alleged to have been filed under Section 2-A (2) of the Industrial Disputes Act, 1947 ('the Act' for brevity), it is not maintainable since it does not involve either dismissal, termination or retrenchment.

Having heard the learned counsel on either side and on perusal of the material available on record, it is seen that since the appeal is only against an interlocutory order, it is not necessary to go into the merits. *Prima facie*, as evident from the award itself, we cannot put the same within the parameters as per the provisions of the Act. Therefore, we are of the view that the entire proceedings are totally without any jurisdiction.

Hence, the Writ Appeal is accordingly allowed and the award dated 11.08.2005 in I.D.No.28 of 2004 is set aside. There shall be stay pending disposal of the Writ Petition.

The respondents submitted that having regard to the long pendency of the matter, the main case itself could be disposed of on merits. Accordingly, office is directed to post the Writ Petition itself for 'Final Hearing' before the regular Court hearing the matters on 07.08.2006. No costs.

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(B.PRAKASH RAO, J)

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(RAMESH RANGANATHAN, J)

20th June 2006
RRB

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